

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CV No.:

DOUGLAS JAMES HALL

Plaintiff

-against-

ALEXANDER HOLDGATE as Administrator  
of the Estate of WILLIAM FRANCIS HOLDGATE.

Defendants

08 CIV 74151

VERIFIED COMPLAINT

JUDGE CROTTY

Plaintiff, complaining of the defendants, by his attorney, Henry Schwartz, Esq., upon information and belief respectfully alleges that:

PARTIES AND JURISDICTION

1. That plaintiff DOUGLAS JAMES HALL, was and still is a resident of the State of New York residing at 72 Barrow Street, New York, NY, 10014.
2. That defendant was and still is the Estate of decedent WILLIAM FRANCIS HOLDGATE, probated and duly authorized and existing by virtue of the laws of the State of Massachusetts Town of Nantucket.
3. That defendant ALEXANDER HOLDGATE, was and still is the administrator of the ESTATE OF WILLIAM FRANCIS HOLDGATE, appointed and authorized to administer said estate by virtue of the laws of the state of Massachusetts, County of Nantucket, by order of its Probate Court on November 22, 2005, Docket No. 05P0057AD.
4. That decedent WILLIAM FRANCIS HOLDGATE was at all relevant times a resident of the State of Massachusetts, Town of Nantucket.
5. That decedent WILLIAM FRANCIS HOLDGATE, died on October 23, 2005, and

that by virtue of the laws of the State of Massachusetts, the rights and responsibilities of decedent transferred in full force and effect to the legal entity of the estate of decedent known as the ESTATE OF WILLIAM FRANCIS HOLDGATE.

6. That this United States District Court has jurisdiction pursuant to 28 U.S.C. Section 1332 with complete diversity between each plaintiff and each defendant and an amount in controversy exceeding \$50,000.00.

AS AND FOR A FIRST CAUSE OF ACTION

7. Plaintiff repeats and reiterates each and every allegation contained in those paragraphs designated "1" through "6".

8. At all relevant times, decedent WILLIAM FRANCIS HOLDGAGTE was the owner of a 1965 Cessna aircraft model number CE-411, registration number N7345U.

9. At all relevant times, decedent WILLIAM FRANCIS HOLDGAGTE managed, maintained, operated, and controlled aforementioned 1965 Cessna aircraft mode number CE-411, registration number N7345U.

10. That on or about October 23, 2005, decedent WILLIAM FRANCIS HOLDGAGTE, was operating the aforesaid aircraft in the airspace above East Hampton, New York, and more particularly one mile east of East Hampton Airport at the corner of Mill Hill Lane and Meadow Way.

11. At all relevant times, Mill Hill Lane and Meadow Way were public roadways in the Town of East Hampton, State of New York, with residential private homes aligning said roadways.

12. That on or about October 23, 2005 at approximately 1:40 p.m. decedent WILLIAM FRANCIS HOLDGATE, crashed the aforementioned aircraft at the location of Mill

Hill Lane and Meadow Way, East Hampton, New York, Latitude 40 57.350 Longitude 72 11.660, spreading debris over the ground at this location including multiple private residences on Mill Hill Lane.

13. That on or about October 23, 2005 at approximately 1:40 p.m. plaintiff, DOUGLAS JAMES HALL, was a lawful pedestrian, at the location of Mill Hill Lane and Meadow Way, East Hampton, New York.

14. The aforesaid aircraft crash, and injuries resulting therefrom were caused wholly and solely as a result of the careless, negligent, reckless, grossly negligent, wanton and inherently dangerous manner in which the defendants owned, operated, maintained, managed and controlled the aforementioned aircraft without any fault or negligence on the part of the plaintiff contributing thereto.

15. That by reason of the foregoing culpable conduct and the negligence of the said defendants, plaintiff, DOUGLAS JAMES HALL, sustained serious, severe, and permanent personal injuries, still suffers and will continue to suffer, great physical and mental pain and serious bodily injury, became sick, sore, lame and disabled and so remained for a considerable length of time; and plaintiff was otherwise damaged.

16. Plaintiff, suffered serious injuries and is a covered person as defined in the Insurance Law of the State of New York.

17. This action falls within one or more of the exceptions as set forth in CPLR Section 1602.

18. That solely by reason of the foregoing, the plaintiff has been damaged in the sum of FIVE MILLION (\$5,000,000.00) DOLLARS.

19. WHEREFORE, the plaintiff demands judgment against the defendants in the sum of FIVE MILLION (\$5,000,000.00) DOLLARS his Cause of Action, all together with the costs and disbursements of this action.

Dated: New York, NY  
August 10, 2008

  
HENRY SCHWARTZ (HRS 9221)

Attorney for Plaintiffs  
16 Court Street, 26<sup>th</sup> Floor  
Brooklyn, NY 11241  
(718) 222-3118

**JURY DEMAND**

With the filing of his Complaint, Plaintiff herein demands a trial by jury.

  
HENRY SCHWARTZ (HRS 9221)

VERIFICATION

STATE OF NEW YORK ) ss  
COUNTY OF KINGS )

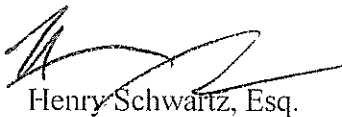
Henry Schwartz, Esq., an attorney duly admitted to practice law before the courts of the State of New York, affirms under the penalties of perjury:

That I am attorney of record for the plaintiff, and having read the foregoing Complaint, know the contents thereof; and the same is true to the best of my knowledge.

The reason this verification is made by counsel and not the client is that client is not presently in the county in which the affirmant's office is located.

The grounds of affirmant's belief as to all matters not stated upon affirmant's own knowledge are all notes, correspondence, and discussions contained in this client's file.

Dated: New York, New York  
August 20, 2008

  
Henry Schwartz, Esq.

Civil Action No. 08 CIV 7415

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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DOUGLAS JAMES HALL,

Plaintiff

-against-

ALEXANDER HOLDGATE, as Administrator  
of the Estate of WILLIAM FRANCIS HOLDGATE,

Defendants.

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SUMMONS & COMPLAINT

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OFFICES OF  
HENRY SCHWARTZ  
ATTORNEY AT LAW  
16 Court Street, Suite 2600  
Brooklyn, NY, 11241  
(718) 222-3118

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To:  
Attorney(s) for defendants

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Service of a copy of the within is hereby admitted.

Dated:

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Attorney(s) for Plaintiff (Rule 130-1.1a)

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PLEASE TAKE NOTICE

Notice of                      That the within is a true copy of a  
that a                          entered in the office of the clerk of the within named Court on                      , 2008  
Honorable                      of which the within is a true copy will be presented for settlement to the  
   one of the judges of the within named Court, Settlement                      on  
   , 2008 , at                      a.m.

Dated: